In the High Court of Punjab and Haryana at Chandigarh.

CR No.5838 of 2005

Vikas Malhan ... Petitioner

Versus

Chaman Lal Chopra etc. ... Respondents.

AND

CR No.5839 of 2005

Master Vikrant Malhan ... Petitioner

Versus

Chaman Lal Chopra etc. ... Respondents.

==

Present: Mr.Ajay K. Vermani, Advocate,for the petitioners.

Mr.BR Mahajan, Advocate, for respondent No.1.

Permod Kohli, J. (Oral):

--

Since the question of facts and law involved in these two Civil

Revisions are identical, they are being disposed of by this common order.

Both these Civil Revision petitions have been filed invoking the jurisdiction of this Court under Article 227 of the Constitution of India against the orders dated 25.10.2005 passed by the learned Civil Judge (Junior Division), Amritsar, whereby the objections filed by the petitioners under Section 47 of the Code of Civil Procedure objecting the execution of the decree, has been dismissed.

Briefly stated, the facts giving rise to the present petitions are that one Sanjay Kapoor and Rani Kapoor were the owners of Kothi No.1-A, Khasra No.890 (min.) having an area of 83.33 sq. yards situated at Tung Bala Urban Abadi Beauty Avenue, Amritsar. By separate sale deeds the property was sold to Kali Charan son of Sain Dass who further transferred the same in favour of Pritam Singh. The property thereafter came in the hands of Durga Devi vide two sale deeds. On the basis of the sale deeds, mutations were also entered in favour of all these vendees. Durga Devi, thereafter, transferred this property in equal shares by virtue of gift deed dated 06.11.2000 in favour of Vikas Malhan and by sale deed on the same day in favour of Vikrant Malhan. In the meanwhile, one Chaman Lal Chopra, filed a suit for specific performance against Sanjay Kapoor on the

basis of agreement to sell dated 12.05.1995 with respect to half of the property and also another suit against Rani Kapoor, wife of Kali Charan in respect of other half share of the property. Both these suits were taken up by the Presiding Officer, Permanent Lok Adalat, Amritsar, on 17.08.2002 and on the basis of the compromise stated to be entered into between Chaman Lal Chopra and Sanjay Kapoor and another on the one hand and Chaman Lal Chopra and Smt.Rani Kapoor as also Kali Charan, on the other hand. By virtue of the award of the Lok Adalat, the Court directed the specific performance of the agreement to sell, meaning thereby, Sanjay Kapoor and Smt.Rani Kapoor, were directed to execute the sale deeds in favour of Chaman Lal Chopra. Even after the awards were passed by the Permanent Lok Adalat,Amritsar, on 17.08.2002, sale deeds were not executed, which persuaded Chaman Lal Chopra to seek the execution of the awards passed by the Permanent Lok Adalat. Learned counsel for the petitioners submits that during the pendency of the execution petition, Vikas Malhan and Vikrant Malhan have filed suits for declaration in the Court of Civil Judge (Junior Division), Amritsar, and also applied for ad interim injunction on which notice was issued to the other side and applications are pending. The present petitioners after filing of the suits

also filed objection petition under Section 47 of the Code of Civil Procedure before the executing Court objecting execution of the decree on the ground that they have acquired title over the property and the award has been obtained by fraud. The executing Court vide the impugned orders have rejected both the applications. Hence,the petitions filed by the present petitioners.

I have heard the learned counsel for the parties at length and perused the record of the case.

Without going into the merits of the controversy involved and with the consent of the learned counsel for the parties, I pass the following order:-

(i) The trial Court where two suits titled Vikrant Malhan Vs. Chaman Lal Chopra etc. and Vikas Malhan Vs. Chaman Lal Chopra etc., are pending, shall proceed to decide the injunction applications filed by the plaintiff-petitioners and final orders shall be passed within a period of two months without fail.

(ii) Till injunction applications are decided, the respondents will not enforce the decree against petitioners.

With the observations/directions aforesaid, both the Civil Revisions are disposed of.

May 10,2007 (PERMOD KOHLI)
BLS JUDGE